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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,070	03/31/2008	Hakan Thysell	65954(54755)	5869

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BOSTON, MA 02205

EXAMINER

RACHUBA, MAURINA T

ART UNIT	PAPER NUMBER
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3727

MAIL DATE	DELIVERY MODE
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08/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/589,070

Applicant(s)

THYSELL, HAKAN

Examiner

Maurina Rachuba

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-24, 26-46, 48-51 and 53-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-24, 26-46, 48-51 and 53-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Applicant has overcome the rejections based on 35 USC 112.

Claim Rejections - 35 USC § 102

2. Applicant has overcome the rejections based on 35 USC 102.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22-24, 26-46, 48-51, 53, and 55-60 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Palushi, 7,261,623, as set forth in the previous Office action, in view of Klucznik, 6,295,682. '623, as set forth in the previous Office action and in figure 29, and column 12, lines 5 through column 14, lines 51, discloses the claimed invention, including a finishing machine for finishing a work surface, comprising a frame **414**, a plurality of finishing units **420** pivotally or tiltingly supported by the frame, the finishing units including at least a first unit tiltable about an axis that is substantially perpendicular to a central axis of the machine and a second unit tiltable about an axis that is substantially parallel to the central axis of the machine. '623 does not disclose an actuating mechanism for tiltablely adjusting a position of at least one of the finishing units relative to the frame to a transport position. In a similar apparatus, '682 teaches

providing an actuating mechanism (column 3, lines 45-55) to tiltably adjust a position of, and the degree of tilting of, the finishing unit relative to the frame to a transport position. It would have been obvious to one of ordinary skill in the art to have provided '623 with the actuator taught by '682, for the predictable result of tilting the unit(s) out of the plane of the work surface, to allow the machine to be moved without damage to the work surface.

5. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palushi, 7,261,623, as set forth in the previous Office action, in view of Klucznik, 6,295,682, as applied to claim 22, and further in view of Beckett et al, 5,643,047. '623 as modified by '682 does not disclose the use of an image-generating device operably connected to the machine for inspecting the work surface in real time. Please note that the term "image-generating device" is extremely broad in scope. As such, in a similar device, '047, column 3, lines 16-26, teaches the use of an image-generating device in the form of a plotting device that with the controlling computer provide real time graphing of the work surface as compared to a preprogrammed surface contour. It would have been obvious to one of ordinary skill in the art to have provided '623 with the image-generating device of '047, for the predictable result of monitoring the surface in real time.

Response to Arguments

6. Applicant's arguments with respect to claims 22-24, 26-46, 48-51 and 53-60 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurina Rachuba whose telephone number is 571 272 4493. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571 272 4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Rachuba/
Primary Examiner, Art Unit 3727